

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)
)
)
Steven Alan Burres M.D.)
)
Physician's and Surgeon's)
Certificate No. G 54062)
)
Respondent)
_____)

File No. 800-2014-006767

DECISION

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 13, 2018.

IT IS SO ORDERED March 16, 2018.

MEDICAL BOARD OF CALIFORNIA

By: 

**Ronald H. Lewis, M.D., Chair
Panel A**

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 MARGARET J. PHE
Deputy Attorney General
4 State Bar No. 207205
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6443
6 Facsimile: (213) 897-9395
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:
12 STEVEN ALAN BURREN, M.D.
13 6221 Wilshire Blvd., Suite 517
Los Angeles, CA 90048
14
15 Physician's and Surgeon's Certificate No. G
54062,
16 Respondent.

Case No. 800-2014-006767

OAH No. 2017090596

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPRIMAND**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Margaret J. Phe,
24 Deputy Attorney General.

25 2. Respondent Steven Alan Burres, M.D. (Respondent) is represented in this proceeding
26 by attorney Seth Weinstein, whose address is: Seth Weinstein, 15260 Ventura Blvd. Suite 1200,
27 Sherman Oaks, CA 91403.

28 3. On December 3, 1984, the Board issued Physician's and Surgeon's Certificate No. G

1 54062 to Steven Alan Burres, M.D. (Respondent). The Physician's and Surgeon's Certificate was
2 in full force and effect at all times relevant to the charges brought in Accusation No. 800-2014-
3 006767, and will expire on January 31, 2018, unless renewed.

4 **JURISDICTION**

5 4. Accusation No. 800-2014-006767 was filed before the Board, and is currently
6 pending against Respondent. The Accusation and all other statutorily required documents were
7 properly served on Respondent on July 12, 2017. Respondent timely filed his Notice of Defense
8 contesting the Accusation.

9 5. A copy of Accusation No. 800-2014-006767 is attached as exhibit A and incorporated
10 herein by reference.

11 **ADVISEMENT AND WAIVERS**

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 800-2014-006767. Respondent has also carefully read,
14 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
15 Disciplinary Order for Public Reprimand.

16 7. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
18 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

22 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 9. Respondent understands and agrees that, at an administrative hearing, Complainant
26 could establish a prima facie case with respect to the charges and allegations in Accusation No.
27 800-2014-006767, and that he has thereby subject his Physician's and Surgeon's Certificate No. G
28 54062, to disciplinary action.

1 2014-006767: Respondent departed from the standard of care by failing to maintain adequate
2 records as to four patients.

3 **B. MEDICAL RECORD KEEPING COURSE**

4 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
5 course in medical record keeping approved in advance by the Board or its designee. Respondent
6 shall provide the approved course provider with any information and documents that the approved
7 course provider may deem pertinent. Respondent shall participate in and successfully complete
8 the classroom component of the course not later than six (6) months after Respondent's initial
9 enrollment. Respondent shall successfully complete any other component of the course within
10 one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense
11 and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of
12 licensure.

13 A medical record keeping course taken after the acts that gave rise to the charges in the
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
15 or its designee, be accepted towards the fulfillment of this condition if the course would have
16 been approved by the Board or its designee had the course been taken after the effective date of
17 this Decision.

18 Respondent shall submit a certification of successful completion to the Board or its
19 designee not later than 15 calendar days after successfully completing the course, or not later than
20 15 calendar days after the effective date of the Decision, whichever is later.

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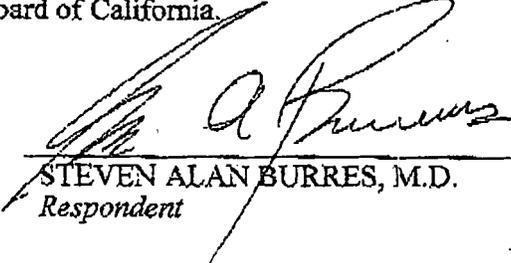
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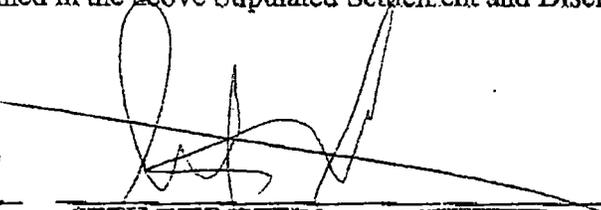
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Seth Weinstein. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 1 5 18 
STEVEN ALAN BURRES, M.D.
Respondent

I have read and fully discussed with Respondent Steven Alan Burres, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 01-05-2018 
SETH WEINSTEIN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

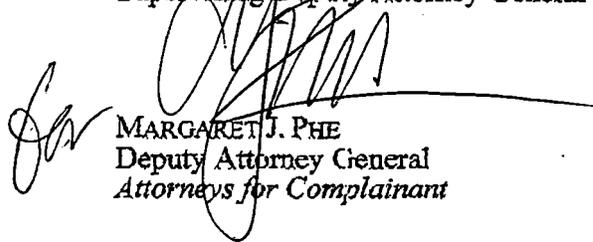
Dated: Respectfully submitted,
XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General

MARGARET J. PHE
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 MARGARET J. PHE
Deputy Attorney General
4 State Bar No. 207205
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
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Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2014-006767

12 STEVEN ALAN BURRES, M.D.

A C C U S A T I O N

13 6221 Wilshire Blvd., Suite 517
14 Los Angeles, CA 90048

15 Physician's and Surgeon's Certificate G 54062,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California (Board).

22 2. On December 3, 1984, the Board issued Physician's and Surgeon's Certificate number
23 G 54062 to Steven Alan Burres, M.D. (Respondent). That license was in full force and effect at
24 all times relevant to the charges brought herein and will expire on January 31, 2018, unless
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 provisions of the Business and Professions Code (Code) unless otherwise indicated.

PATIENT P-1¹

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2 8. Patient P-1, a then-56-year-old woman, had her first visit with Respondent on
3 November 21, 2011. She presented with chronic intermittent nasal obstruction with signs of nasal
4 valve collapse. Respondent ordered a CT scan. He did not document that he discussed the results
5 of the scan with P-1.

6 9. On P-1's next documented visit with Respondent, on December 19, 2011, he
7 performed two surgical procedures without recording a discussion with P-1 of the thought process
8 or decision to proceed with the surgical treatment. The first procedure was described as a
9 "septoplasty" and "nasal valve stenosis repair with conchal cartilage graft" and the second as a
10 "mini facelift."

11 10. P-1 signed various consent forms on December 19, 2011, including a Nose Surgery
12 Consent Addendum, a Rhinoplasty Consent Addendum, a Facelift Consent Addendum, and an
13 Informed Consent to Perform Quicklift. Neither of the nasal surgery consent forms specified the
14 location from which the cartilage to be grafted during the nose surgery would be taken. On a
15 History and Physical Exam (H&P) Form from that date, Respondent documented that P-1 had no
16 known drug allergies despite P-1's having listed an allergy to penicillin on her General History
17 Information form. In addition, Respondent documented nothing in the recommendation section
18 of the H&P Form and described the ENT exam only as "patent."

19 11. Respondent's handwritten perioperative and post-operative notes are poorly legible
20 and extremely brief.

21 12. Respondent billed P-1's insurance company under two CPT codes: (1) repair nasal
22 septal perforations; and (2) excision inferior turbinate, partial or complete. The operative report,
23 however, does not reflect a turbinate procedure but, rather, a septoplasty and a nasal valve
24 stenosis repair with conchal cartilage graft.

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28 ¹ The patients are designated in this document as Patients P-1 through P-4 to protect their
privacy. Respondent can obtain the identities of the patients through discovery.

1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence and Repeated Negligent Acts and

3 Failure to Maintain Adequate Records as to Patient P-1)

4 13. Respondent Steven Alan Burres, M.D. is guilty of unprofessional conduct and subject
5 to disciplinary action under section 2234, subdivision (b) (gross negligence) and (c) (repeated
6 negligent acts), and section 2266 (inadequate records) of the Code in that Respondent engaged in
7 the conduct described above including, but not limited to, the following:

8 A. Respondent's handwritten chart notes for P-1 are poorly legible and his History and
9 Physical form is incomplete and fails to document P-1's penicillin allergy.

10 B. Respondent failed to document a follow-up with P-1 after her CT scan and the
11 decision-making process for P-1's nasal surgery and mini facelift.

12 C. Respondent failed to list the location of the cartilage grafting on either of the nasal
13 surgery consent forms signed by P-1.

14 D. Respondent submitted a claim for the CPT code for excision inferior turbinate, partial
15 or complete, when this procedure was not performed.

16 PATIENT P-2

17 14. Patient P-2, a then-68-year-old man, had his first visit with Respondent on December
18 11, 2012. P-2 complained of ear plugging/pressure. Respondent noted a history of sensorineural
19 hearing loss and intermittent tinnitus. The documented physical examination is mostly illegible.

20 15. P-2 saw Respondent every few months through at least April 2015. Respondent's
21 chart notes were handwritten, frequently illegible, and occasionally extremely brief.

22 16. On March 18, 2013, Respondent noted that he had reviewed P-2's audiogram. It is
23 unclear whether this is an old audiogram or a newly ordered one. The audiogram is not included
24 in the medical chart and there is no documentation that Respondent had ordered an audiogram.

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1 17. Respondent documented on May 6, 2014, that he had prescribed Valium² 5 mg and
2 Halcion³ for P-2. He did not document the number of pills or refills for either medication and did
3 not keep copies of the prescriptions in P-2's chart.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Repeated Negligent Acts & Failure to Maintain Adequate Records as to Patient P-2)**

6 18. Respondent Steven Alan Burres, M.D. is guilty of unprofessional conduct and subject
7 to disciplinary action under section 2234, subdivision (c) (repeated negligent acts), and section
8 2266 (inadequate records) of the Code in that Respondent engaged in the conduct described
9 above including, but not limited to, the following:

10 A. Respondent's handwritten chart notes for P-2 are poorly legible and extremely brief.

11 B. Respondent failed to document the ordering of an audiogram or to maintain P-2's
12 audiogram in his medical chart.

13 C. Respondent failed to have copies of P-2's Valium and Halcion prescriptions in his
14 chart or to otherwise clearly document the number of pills or refills for the drugs.

15 **PATIENT P-3**

16 19. P-3, a then-54-year-old woman, first saw Respondent on July 7, 2011. She
17 complained of fluid in her ear and was taking antihistamines Allegra and Benadryl and had
18 previously used the steroid nasal spray Nasonex. The patient questionnaire that she filled out
19 documented eye, ear, nasal, and throat symptoms consistent with allergic rhinitis. Respondent did
20 not document any discussion of allergic rhinitis or potential treatments for it. Respondent
21 documented that P-3's ears were normal with no fluid seen and his recommendations were
22 focused on treating "TMJ" pain.

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24 _____
25 ² Valium, a trade name for diazepam, belongs to a class of drugs known as
26 benzodiazepines. It is a dangerous drug as defined in section 4022 and a Schedule IV controlled
substance. Diazepam is used to treat anxiety, alcohol withdrawal, and seizures. It is also used to
relieve muscle spasms and to provide sedation before medical procedures.

27 ³ Halcion, a trade name for triazolam, belongs to a class of drugs known as
28 benzodiazepines. It is a dangerous drug as defined in section 4022 and a Schedule IV controlled
substance. Halcion is a sedative-hypnotic and is used to treat insomnia.

1 audiogram, and continue to take Ambien.⁴ During the period between January 11, 2013 and P-4's
2 last documented visit on March 31, 2014, only two prescriptions for Ambien are documented – on
3 March 8, 2013 and April 26, 2013 – and there are no copies of Ambien prescriptions in the chart.

4 25. On February 6, 2014, Respondent diagnosed P-4 with “TMJ” with tenderness and
5 clicking and started her on a trial of Soma.⁵ He also advised she continue to take Ambien. There
6 is no mention of the strength, dosing schedule, or number of pills or refills for either the Soma or
7 the Ambien and no copies of prescriptions in the chart.

8 26. P-4 saw Respondent at least six times through March 31, 2014. While mostly legible,
9 Respondent's handwritten notes were occasionally so illegible that Respondent himself could not
10 decipher them.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Repeated Negligent Acts & Failure to Maintain Adequate Records as to Patient P-4)**

13 27. Respondent Steven Alan Burres, M.D. is guilty of unprofessional conduct and subject
14 to disciplinary action under section 2234, subdivision (c) (repeated negligent acts), and section
15 2266 (inadequate records) of the Code in that Respondent engaged in the conduct described
16 above including, but not limited to, the following:

17 A. Respondent's handwritten chart notes for P-4 are poorly legible.

18 B. Respondent failed to have copies of P-4's Ambien and Soma prescriptions in his chart
19 or to otherwise clearly document the number of pills or refills for the drugs.

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25 ⁴ Ambien, a trade name for zolpidem, is a sedative-hypnotic. Ambien is used to treat
26 insomnia. Ambien is a Schedule IV controlled substance and a dangerous drug as defined by
Business and Professions Code section 4022.

27 ⁵ Soma is a trade name for carisoprodol, a muscle relaxant and sedative. Carisoprodol is a
28 Schedule II controlled substance and a dangerous drug as defined by Business and Professions
Code section 4022.

1 PRAYER

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

- 4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 54062,
5 issued to Steven Alan Burres, M.D.;
- 6 2. Revoking, suspending or denying approval of his authority to supervise physician
7 assistants and advanced practice nurses;
- 8 3. If placed on probation, ordering him to pay the Board the costs of probation
9 monitoring; and
- 10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: July 12, 2017


13 KIMBERLY KIRCHMEYER
14 Executive Director
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California

18 *Complainant*

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